

RECEIVED  
CENTRAL FAX CENTER

JUN 05 2006

PTO/SB/31 (04-05)

Approved for use through 07/31/2006. GMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional) <b>1999P07938US01 (1009-045)</b>						
<p>I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(e)].</p> <p>on _____</p> <p>Signature _____</p> <p>Typed or printed Name _____</p>		<p>In re Application of <b>McNutt, Alan</b></p> <table border="1"> <tr> <td>Application Number <b>09/697,419</b></td> <td>Filed <b>10/26/2000</b></td> </tr> <tr> <td colspan="2">For <b>Re-Programmable Flash Memory Micro Controller as a Programmable Logic Controller</b></td> </tr> <tr> <td>Art Unit <b>2193</b></td> <td>Examiner <b>Vu, Tuan A.</b></td> </tr> </table>	Application Number <b>09/697,419</b>	Filed <b>10/26/2000</b>	For <b>Re-Programmable Flash Memory Micro Controller as a Programmable Logic Controller</b>		Art Unit <b>2193</b>	Examiner <b>Vu, Tuan A.</b>
Application Number <b>09/697,419</b>	Filed <b>10/26/2000</b>							
For <b>Re-Programmable Flash Memory Micro Controller as a Programmable Logic Controller</b>								
Art Unit <b>2193</b>	Examiner <b>Vu, Tuan A.</b>							
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.								
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))		<b>\$ 500.00</b>						
<p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: <b>\$ _____</b></p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <b>50-2504</b>.</p> <p><input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p>								
<p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor. <u>Michael N. Haynes</u> Signature</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 9.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input type="checkbox"/> attorney or agent of record. Registration number <b>434-972-9988</b> Telephone number</p> <p><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <b>40,014</b> <b>06/05/2006</b> Date</p>								
<p><b>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</b></p> <p><input type="checkbox"/> *Total of <b>1</b> forms are submitted.</p>								

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take .12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

06/06/2006 TL0111 00000033 09697419

01 FC:1401

500.00 0P

RECEIVED  
CENTRAL FAX CENTER  
JUN 05 2006

## CERTIFICATE OF TRANSMISSION

Date of Transmission: **05 June 2006**

I hereby certify that the following correspondence is being facsimile transmitted to the attention of the Director of the US Patent and Trademark Office on the above date via the following facsimile number: 571-273-8300.

PTO-2038 Credit Card Payment Form (1 sheet)

PTO/SB/17 Fee Transmittal Form (1 sheet)

Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (1 sheet)

Application Number 09/697,419  
Confirmation No.: 5374  
Filing Date: 26 October 2000  
Document Submission Date: 05 June 2006

Docket: **1999P07938US01 (1009-045)**

Art Unit: 2193  
Examiner: Vu, Tuan A.  
Inventor: McNutt, Alan

Pages: 4

---

05 Jun 2006

Date

---

Michael N. Haynes

Name of Certifier

---

*Michael N. Haynes*

Signature of Certifier

To: Central FAX USPTO @ 571-273-8300 From: Mike Haynes

RECEIVED  
CENTRAL FAX CENTER 3/4 06/05/06 5:05 pm

JUN 05 2006

PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0851-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2006 (H.R. 4818).  
**FEE TRANSMITTAL**  
For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ **500.00**)

Complete if Known	
Application Number	09/697,419
Filing Date	28 October 2000
First Named Inventor	McNutt, Alan
Examiner Name	Vu, Tuan A.
Art Unit	2193
Attorney Docket No.	1999P07938US01 (1009-045)

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  Nonc  Other (please identify): \_\_\_\_\_  
 Deposit Account Deposit Account Number: 50-2604 Deposit Account Name: Michael N. Haynes

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayments of fee(s)  Credit any overpayments  
under 37 CFR 1.16 and 1.17

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES	
	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)
Utility	300	150	500	250	200	100
Design	200	100	100	50	130	65
Plant	200	100	300	150	160	80
Reissue	300	150	500	250	600	300
Provisional	200	100	0	0	0	0

**2. EXCESS CLAIM FEES**

**Fee Description**

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

Fee (\$)

Fee (\$)

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

Fee (\$)

Fee (\$)

Multiple dependent claims

Fee (\$)

Fee (\$)

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	0	x 50	= 0			

HP = highest number of total claims paid for, if greater than 20

Indep. Claims

Extra Claims Fee (\$)

- 3 or HP = 0 x 200 = 0

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	0 (round up to a whole number) X 250 = 0		

**4. OTHER FEE(S)**

Non-English Specification \$130 fee (no small entity discount)

Other: Notice of Appeal

Fee (\$)

Fee (\$)

SUBMITTED BY		Registration No. (Attorney/Agent)	Telephone
Signature	<i>Michael N. Haynes</i>	40,014	434-972-9988
Name (Print/Type)	Michael N. Haynes		Date 05 Jun 2006

This collection of information is required by 37 CFR 1.158. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.